1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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MAIN COMMITTEE II

SUMMARY RECORD OF THE 6th MEETING

Held at United Nations Headquarters, New York,
on Friday, 28 April 1995, at 3 p.m.

Chairman: Mr. ERDÖS (Hungary)

CONTENTS

REVIEW OF ARTICLE III AND OF THE FOURTH AND FIFTH PREAMBULAR PARAGRAPHS, ESPECIALLY IN THEIR RELATIONSHIP TO ARTICLE IV AND TO THE SIXTH AND SEVENTH PREAMBULAR PARAGRAPHS (continued)

REVIEW OF ARTICLE VII

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The meeting was called to order at 3.30 p.m.

REVIEW OF ARTICLE III AND OF THE FOURTH AND FIFTH PREAMBULAR PARAGRAPHS, ESPECIALLY IN THEIR RELATIONSHIP TO ARTICLE IV AND TO THE SIXTH AND SEVENTH PREAMBULAR PARAGRAPHS (continued)

Article III: Export licensing (NPT/CONF.1995/MC.II/WP.7 and WP.12)

1. The CHAIRMAN drew attention to two working papers on the subject of export licensing (NPT/CONF.1995/MC.II/WP.7 and WP.12).

2. Working paper 7, concerning the importance of national export- and import-control mechanisms, described the work of the Zangger Committee and the Nuclear Suppliers Group in encouraging States to apply an agreed set of guidelines to the export of certain equipment and materials. For that purpose, the Zangger Committee had produced a list, known as the "trigger list", of items triggering IAEA safeguards.

3. Working paper 12, which consisted of a single paragraph, also dealt with export-control policies and the guidelines of the two aforementioned groups.

4. Mrs. TISCHLER (Germany), supported by Mr. SCHMIDT (Austria) and Mrs. DELPECH (France), proposed an amendment to working paper 7 by adding the following at the end of paragraph 4:

> "The Conference notes with appreciation the decision of some States parties to give the IAEA comprehensive information about the export and import of nuclear-related materials, equipment and technology. The Conference recognizes that such transparency of international transfers enhances confidence among States parties, that international nuclear trade and exchange serves exclusively to promote peaceful objectives, and that it strengthens the capability of the IAEA to apply safeguards effectively."

5. Mr. ROSU (Romania) welcomed the content of working paper 7, and supported the amendment proposed by the German delegation. He proposed that the text of working paper 12 should be added to the beginning of working paper 7 as a new paragraph 1.

6. The CHAIRMAN suggested that the existing paragraph 1 of working paper 7 should become the last sentence of the new paragraph 1, except that it should then begin with "It urges all States parties ...".

7. Mr. NORDIN (Malaysia) proposed that, in the proposed new paragraph 1, the words "and the Nuclear Suppliers Group" should be deleted.

8. The CHAIRMAN said that the representative of Romania had agreed that the last part of that sentence, beginning with the words "by supporting or strengthening", could be deleted.

9. Mr. BAEIDINEJAD (Islamic Republic of Iran) said that guidelines for the transfer of nuclear technology for peaceful purposes should not be agreed within

closed clubs such as the Zangger Committee and the Nuclear Suppliers Group. In the interest of transparency, any such guidelines should be decided in a forum open to all States parties to the non-proliferation Treaty.

10. Mr. PAPADIMITROPOULOS (Greece) supported the amendment proposed by the German delegation.

11. Mr. AGRELL (United Kingdom) also supported the German amendment. He also proposed that paragraph 5 should be amended to read:

> "The Conference further notes that a number of States parties also cooperate in an informal group known as the Nuclear Suppliers Group (NSG). NSG members have established agreed guidelines for the export of nuclear and nuclear-related items, which are published in IAEA document INFCIRC/254 as amended."

12. Mr. SCHMIDT (Austria) proposed that the following words should be added at the end of the first sentence of paragraph 4: "and to adhere to the understandings as set forth in IAEA document INFCIRC/209 as amended."

13. Mr. WANG Jun (China) proposed that the end of the original first sentence of working paper 7 should be amended to read "... to acquire, develop or construct nuclear weapons or any other nuclear explosive devices."

14. His delegation would welcome the opportunity to discuss the ideas put forward by the delegation of the Islamic Republic of Iran for a forum open to all States for the discussion and formulation of global guidelines.

15. Mrs. DELPECH (France) supported the amendments proposed by the delegations of the United Kingdom and Austria.

16. Mr. TALIANI (Italy) concurred with the amendments proposed by the German and Austrian delegations in respect of paragraph 4, and by the United Kingdom delegation in respect of paragraph 5.

17. Regarding the Iranian proposal, it should be understood by all that the Zangger Committee included representatives of 34 States from various regions of the world, and that the guidelines that it had produced were applied by individual States on their own responsibility. The same applied to the Nuclear Suppliers Group, which had been established to complement the work of the Zangger Committee in certain areas not covered by its proceedings. The two groups were open to new members, they functioned within the spirit of the non-proliferation Treaty, and their proceedings were not secret; if any States wished to follow the example of the two groups, that would be a welcome development.

18. Mrs. TISCHLER (Germany) supported the amendments proposed by the United Kingdom and Austrian delegations regarding paragraph 4.

19. Ms. DRDAKOVA (Czech Republic) endorsed the amendments proposed by Germany, the United Kingdom and Austria.

20. Mr. PARNOHADININGRAT (Indonesia) endorsed the views expressed by the representative of the Islamic Republic of Iran and said that any guidelines regarding the transfer of technology should be discussed in a broad forum that included the participation of all States parties to the Treaty so that the guidelines satisfied all States parties.

21. Mr. OUVRY (Belgium) endorsed the United Kingdom's amendment to paragraph 5 and said that, while it was the role of the Zangger Committee and the Nuclear Suppliers Group to reach informal agreements on the general guidelines for export licensing, it remained within the competence of individual States to apply those guidelines in the form of export-licensing policies.

22. Mr. SCHMIDT (Austria) drew attention to a working paper entitled "Multilateral nuclear supply principles" (NPT/CONF.1995/21), which contained information about the Zangger Committee and would help to clarify the allocation of Treaty responsibilities at the national level. He emphasized that it was the responsibility of each State to adopt the requirements of the Treaty in its legislation. He said that Greece should be added to the list of countries that had submitted that working paper.

23. Mr. ADEKEYE (Nigeria) endorsed the views of the representative of Indonesia and said that his delegation believed that emphasis should be placed on multilateral efforts aimed at transparency rather than the establishment of informal groups.

24. Mr. BAEIDINEJAD (Islamic Republic of Iran) said that his delegation did not question the logic behind the establishment of groups such as the Zangger Committee and the Nuclear Suppliers Group, but emphasized that the Movement of Non-Aligned Countries had objected to the formation of "closed door" clubs for the establishment of guidelines for the transfer of technology. If the decisions of such bodies were to be consistent with the objectives of the Treaty, they should be adopted with the participation of all States parties and not on an informal and secretive basis.

25. Mr. ABU-HADID (Syrian Arab Republic) endorsed the views expressed by the representatives of the Islamic Republic of Iran, Indonesia and Nigeria and said that his delegation did not accept paragraph 5 of working paper 7 as it stood, especially in the light of the amendments proposed to paragraph 4 which referred to the Zangger Committee. His delegation believed that the list of items triggering IAEA safeguards and the procedures for implementation were adequate for use by the Conference and not in need of review, and proposed that paragraph 4 should be deleted from working paper 7.

26. Mr. TATAH (Algeria) endorsed the views of the representative of Indonesia and said his delegation believed that the multiplication of "closed door" groups did not correspond to the objectives of transparency and favoured a multilateral framework for gathering information.

27. Mr. WALKER (Australia), introducing a working paper on IAEA safeguards (NPT/CONF.1995/MC.II/WP.15), said that the text responded to a widely expressed concern that non-nuclear-weapon States which had not accepted non-proliferation commitments and full-scope safeguards should not receive nuclear supplies from parties to the Treaty. The text said exactly that, and concluded by urging

those suppliers which had not yet done so to require such conditions without delay. He wished to thank the many delegations whose suggestions were reflected in the actual wording.

28. The CHAIRMAN said that the working paper introduced by Australia would be taken up in the framework of the informal open-ended working group under the topic of export licensing.

29. The CHAIRMAN drew attention to a composite draft text of the introduction, pertaining to article III, that had been circulated as an informal paper. He pointed out that the last sentence of paragraph 3 was in square brackets; a decision on that sentence would be made later on, as the study of other draft texts progressed. He asked whether the Committee was prepared to approve the text as it stood, leaving in the square brackets for the time being. If the Committee agreed, the text could be passed on to the Drafting Committee of the Conference.

30. Mr. WANG Jun (China) asked whether delegations might have another opportunity to consider the sentence that was in square brackets.

31. The CHAIRMAN said that the sentence in square brackets would be clarified in the context of the section on safeguards, which would be examined by the Committee on 1 May.

32. Mr. ROSENTHAL (United States of America) said that, although he sympathized with the Chinese request, he felt that the matter could be left up to the Chairman, on the understanding that the decision to leave the square brackets did not prejudge the final language to be adopted. With regard to paragraph 4, he pointed out that the version that was before the Committee did not accurately reflect the agreed text. The words "placing all their nuclear facilities under IAEA safeguards" should therefore be deleted.

33. The CHAIRMAN said that the text should indeed be corrected as noted by the United States delegation. He also confirmed that leaving the square brackets was without prejudice to the positions of members.

34. Mr. AGRELL (United Kingdom) said that his delegation was willing to maintain the square brackets for the time being. In paragraph 5, however, after the words "the safeguards required by article III shall be implemented in a manner designed", the words "to comply with article IV of the Treaty and" were missing. Those words should be restored in order to maintain the actual language of article III, paragraph 3, of the Treaty.

35. Mr. WANG Jun (China) endorsed the United Kingdom proposal.

36. The CHAIRMAN said he would take it that the Committee agreed to reinstate the words "to comply with article IV and" in paragraph 5 of the draft text.

37. It was so decided.

38. The CHAIRMAN said he would take it that the Committee agreed that he should transmit the draft text entitled "Article III - Introduction", as corrected and amended, to the Drafting Committee of the Conference, on the understanding that

the Committee's approval of the text did not prejudge any delegation's position on the sentence that remained in square brackets.

39. It was so decided.

REVIEW OF ARTICLE VII

40. Mr. WANG Jun (China) introduced a working paper on the prevention of nuclear-weapon proliferation, nuclear safeguards and nuclear-weapon-free zones (NPT/CONF.1995/MC.II/WP.10). Section I highlighted the positive role of the non-proliferation Treaty in containing nuclear-weapon proliferation and the preservation of international peace and security. Section II discussed the importance of IAEA safeguards and what principles should be observed in improving the safeguards regime. In section III, the Conference supported the establishment on a voluntary basis of nuclear-weapon-free zones or zones free of weapons of mass destruction and welcomed the fact that all nuclear-weapon States parties to the Treaty had signed Additional Protocol II to the Treaty of Tlatelolco. It urged other nuclear-weapon States parties to the Treaty that had not signed Additional Protocols II and III to the Treaty of Rarotonga to do so at an early date. The Conference supported the efforts made by the African and Middle Eastern countries to establish nuclear-weapon-free zones and zones free of weapons of mass destruction in their respective regions.

41. He proposed that the working paper should be merged with the Egyptian working paper on nuclear-weapon-free zones (NPT/CONF.1995/MC.II/WP.13).

42. Mr. ERFAN (Egypt) introduced a working paper on nuclear-weapon-free zones (NPT/CONF.1995/MC.II/WP.13) which discussed the establishment of nuclear-weapon-free zones in general and, specifically, recent events in the Middle East regarding the establishment of a nuclear-weapon-free zone in that region. The Conference urged all States of the Middle East to take the practical and urgent steps required for the establishment of such a zone, and called upon all States of the region, pending the establishment of the zone, in particular Israel, which had a significant nuclear programme, to declare solemnly that they would refrain from developing, producing, testing or acquiring nuclear weapons and from permitting the stationing on their territories or territories under their control of nuclear weapons or nuclear explosive devices.

43. His delegation welcomed the proposal of the Chinese delegation to merge the two working papers.

44. Mr. ABDUL MOMIN (Brunei Darussalam) introduced a working paper on the establishment of a nuclear-weapon-free zone in South-East Asia (NPT/CONF.1995/MC.II/WP.14), in which the Conference noted that the representatives of the Association of South-East Asian Nations (ASEAN) emphasized their determination to intensify efforts for the early establishment of such a zone. The Conference noted further that the idea of establishing the zone had been endorsed by other South-East Asian countries and constituted a concrete contribution of non-nuclear-weapon States parties to nuclear disarmament as stipulated in the non-proliferation Treaty.

45. Mr. COOK (New Zealand) introduced a working paper on nuclear-weapon-free zones (NPT/CONF.1995/MC.II/WP.16), which emphasized the importance of concluding

such zones in harmony with internationally recognized principles and recognized that the cooperation of all nuclear-weapon States was essential for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone. The Conference further expressed its satisfaction at the adherence by all countries in the region of Latin America and the Caribbean to the Treaty of Tlatelolco, including Protocols I and II, but regretted that not all the nuclear-weapon States had adhered to the relevant protocols of the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga). It commended efforts to conclude the Treaty on an African nuclear-weapon-free zone to establish nuclear-weapon-free zones in other regions, especially in the Middle East and South-East Asia.

46. Mr. AITMATOV (Kyrgyzstan) introduced a paragraph to be included in the final document of the Conference on the establishment of a nuclear-weapon-free zone in Central Asia which read:

> "The Conference takes note of the interest of Kyrgyzstan in creating a nuclear-weapon-free zone in Central Asia and considers that a nuclear-weapon-free zone in Central Asia would contribute to the strengthening of peace, stability and security in this region."

47. In that regard, his delegation believed that such a zone, underpinned by legally binding and unequivocal security assurances, was the best way to prohibit sensitive nuclear activities which produced nuclear-weapon material. It would require stricter nuclear-export controls, such as full-scope safeguards in the importing State, and would enhance the effectiveness of safeguards by mutual inspections. His delegation hoped that the establishment of such a zone in Central Asia, a region which bordered on two powerful nuclear-weapon States, would enhance a willingness on their part to reduce their nuclear arsenals and would provide an element of stability that might eventually stretch southward to encompass areas that were sensitive in terms of nuclear proliferation.

48. Mr. WALKER (Australia) said that he supported the working paper introduced by New Zealand (NPT/CONF.1995/MC.II/WP.16). He noted that the sponsors of the working paper included States that were parties to the three existing nuclear-weapon-free zones, as well as a number of African countries, reflecting the rapid progress being made towards the conclusion of a nuclear-weapon-free zone for the African continent. It was also significant that the sponsors indicated their support for other countries which also aspired to establishing nuclear-weapon-free zones in their own regions.

49. Mr. ADEKEYE (Nigeria) said that his country was a sponsor of the working paper submitted by New Zealand. His Government strongly supported the establishment of nuclear-weapon-free zones throughout the world, and was particularly happy at the progress being made towards that end in the African continent. He encouraged States in other regions to intensify their activities towards the goal of denuclearization.

50. Mr. YARKA (Papua New Guinea) said he endorsed the working papers introduced by China, Egypt and New Zealand. His Government attached great importance to the establishment of nuclear-weapon-free zones. He noted with disappointment that a number of nuclear-weapon States had not yet signed the protocols to the Treaty of Rarotonga. Their refusal to do so raised questions about their

sincerity. He suggested that the Committee should consider the possibility of including in the text on article VII a phrase that would provide for a specific time-frame to be set for nuclear-weapon States to accede to the relevant protocols to nuclear-free-zone treaties. He complimented China and the Russian Federation on their swift action in signing the Rarotonga protocols. He also pointed out that dependent territories were excluded from effective participation in denuclearization unless the administrating Powers acceded to the relevant protocols. It was of the utmost importance that such territories should be included in the nuclear-free zones.

51. Mr. SAINT-MIEUY (France) said that the Egyptian working paper (NPT/CONF.1995/MC.II/WP.13) was acceptable to his delegation. He suggested that paragraph 1 should be amended to read:

> "The Conference reaffirms that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at by States is an important non-proliferation and disarmament measure. In the establishment of such zones, account must be taken of the particular characteristics of each region."

52. Mr. ROSENTHAL (United States of America) said that his delegation, which strongly supported the establishment of nuclear-weapon-free zones, would need time to study the working papers that had just been submitted.

53. Mr. DE ICAZA (Mexico) said that his delegation was a sponsor of the working paper introduced by New Zealand (NPT/CONF.1995/MC.II/WP.16). As depositary of the Treaty of Tlatelolco, his Government attached great importance to the recent accession to that Treaty of Argentina, Brazil, Cuba and Guyana. The Latin American and Caribbean region had thus become the first densely inhabited zone to be unconditionally free of nuclear weapons. At the request of certain States parties to the Treaty of Tlatelolco, his delegation would seek to have some recognition of that important fact inserted in the final text when the drafting group took up its examination of the text.

54. His delegation endorsed the amendment to working paper 13 proposed by France, which was similar to paragraph 2 of working paper 16.

55. Mr. PAPADIMITROPOULOS (Greece) reiterated his Government's support for efforts to establish a nuclear-weapon-free zone in the Middle East and in other regions. On the question of modalities for the application of safeguards, he stressed the importance of early studies concerning verification, bearing in mind the special characteristics of each region.

56. Mr. ODAGA-JALAMAYO (Uganda) said that in general terms, his delegation agreed with the proposals in working papers 13 and 16; however, it would have to wait until they were circulated before taking a definite stand. He had some concerns regarding the definition of "region". There were some small islands which should fall within the African region and which were known to contain nuclear arsenals. When African States claimed that those islands belonged to the African region, they were told that the islands did not belong to that region.

57. Mr. ERFAN (Egypt) said that in principle, his delegation was willing to accept the French proposal to amend working paper 13, which he understood to reflect two main concerns, namely, that arrangements should be freely arrived at, and that the specific characteristics of each region should be taken into account.

The meeting rose at 5.35 p.m.